

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">18.18</p> <p>Date Issued</p> <p style="text-align: center;">August 3, 2001</p>	<p>Total Pages</p> <p style="text-align: center;">3</p> <p>Effective Date</p> <p style="text-align: center;">August 15, 2001</p>
<p>References</p> <p>KRS 196.000, 196.035, 197.020 and 197.505; ACA Standards (Third Edition) 3-4267-1</p>	<p>Subject</p> <p style="text-align: center;">INTERNATIONAL TRANSFER OF INMATES</p>	

I. **AUTHORITY**

This policy is issued in accordance with KRS 196.035 and 197.020 which authorize the Commissioner of the Department of Corrections (Corrections) to adopt, amend and rescind regulations necessary for the proper administration of Corrections. KRS 196 authorizes the Commissioner to consent to the transfer of offenders to a foreign country.

II. **PURPOSE**

To establish a procedure for inmates to apply for transfer to a foreign country.

III. **APPLICABILITY**

To all employees of Corrections, private prisons, and all inmates assigned to an institution operated by Corrections or a private prison established by KRS 197.505.

IV. **DEFINITIONS**

"Administrator" means that person appointed by the Commissioner of Corrections to review requests for transfers to a foreign country under the provisions of this policy.

"Foreign National" means a citizen of any country other than the United States.

V. **POLICY**

It is the policy of Corrections to:

- A. Notify an inmate who is a foreign national, of the existence of the procedure by which he may be allowed to serve his sentence of imprisonment in the country of which he is a citizen.
- B. Assist the inmate in making application for the transfer.

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- C. Review the application, determine whether a treaty exists which allows the requested transfer.
- D. Compile the information necessary to process an application for a transfer.
- E. Submit all pertinent information to the Commissioner for a decision on whether to approve the transfer.
- F. Cooperate with the Federal authorities in processing the request for a transfer.

VI. PROCEDURES

- A. Any inmate who is identified as a foreign national, shall, upon entry into an institution, be notified of any treaties between the United States and certain foreign countries which may allow him to serve the remainder of his sentence in the country of which he is a citizen.
- B. The inmate shall be notified how to apply for a transfer. If an inmate wishes to apply for a transfer to the country of which he is a citizen, institutional staff shall contact the Administrator to determine if a treaty exists which makes possible the transfer of the particular inmate. If a treaty does not exist, the request for transfer shall be denied and the inmate shall be so notified.
- C. If a treaty exists which shall make the requested transfer possible, the institutional staff shall assemble the following information:
 - 1. The nature of the inmate's crime, the source of his commitment, and the length of his sentence.
 - 2. The last action of the Parole Board with reference to the inmate.
 - 3. The existence of any pending legal matter known to the institutional staff.
- D. An inmate with less than six (6) months remaining until completion of his sentence or an inmate seeking transfer to Mexico or Canada who has not been ordered by the Parole Board to serve out the remainder of his sentence shall not be eligible to transfer under any existing treaty. The application for transfer shall be denied at the institutional level and the inmate shall be so notified. A copy of the application, the denial notification and supporting documentation shall be sent to the Administrator.
- E. The inmate's application for transfer, if not already denied, along with the information gathered by institutional staff, shall then be sent to the Administrator. The Administrator shall review the application and obtain any additional information needed, including:

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1. A statement, if available, from the prosecutor who prosecuted the inmate as to whether there are any objections to the transfer;
 2. Whether there is any pending legal action involving the inmate; and
 3. Any other information needed to determine the advisability of the transfer.
- F. The Administrator shall prepare a report to the Commissioner advising whether the inmate appears to qualify for the requested transfer and whether there exists any known objection to the transfer.
- G. The Commissioner shall decide whether to approve or reject the application to transfer. If the transfer is rejected the inmate shall be notified. If the application is approved by the Commissioner, the Administrator shall forward all assembled information to the Governor's Office for his consideration.
- H. If the Governor approves, the Administrator shall then forward all assembled information to the Prisoner Transfer Unit, Office of Enforcements Operations, Criminal Division, United States Department of Justice.
- I. If the application for international transfer is approved at the Federal level, the institutional staff shall cooperate with the Federal authorities in arranging for the appearance of the inmate in Federal Court.
- J. Upon acknowledgment by the U.S. Department of Justice that the inmate is ready for transfer, custody of the inmate may be turned over to the agents designated by the U.S. Department of Justice.